IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

Crl.Rev.Pet.No. 4061 of 2007()

CRA.690/2006 of SESSIONS COURT, KOTTAYAM
CC.701/2002 of JUDL.MAGISTRATE OF FIRST CLASS-I, KANJIRAPPALLY

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REVN. PETITIONER: APPELLANT/ACCUSED

ROYKUTTY @ ROY, S/O.GEORGE,
PLAMPARAMBIL HOUSE, PARAMADOM BHAGOM,
PANACKACHIRA KARA, ERUMELI NORTH VILLAGE,
KOTTAYAM.

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.M.NAZAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl. R.P. No. 4061 OF 2007

Dated this the 15th day of November, 2007

O R D E R

The revision petitioner, who was the accused in C.C.No.701/02 (Crime No.131/02 of Mundakayam Police Station) on the file of JFCM-I, Kanjirappally for offences punishable under sections 323 and 324 IPC, stands convicted concurrently for the aforesaid offences. The lower appellate court has in modification of the sentence imposed by the trial court, sentenced the revision petitioner to a fine of Rs.750/- for the conviction under section 323 IPC and Rs.4,000/- for the conviction under section 324 IPC. From out of the fine amount, a sum of Rs.1,000/- was directed to be paid to PW1, the injured, under section 357(1) Cr.P.C.

2. The case of the prosecution can be summarised as follows:-

On 3.6.02 at about 7.30 p.m. the accused out of his previous enimity towards PW1 voluntarily caused hurt to PW1 by slapping and hitting him with an iron cable from the Mundakkayam-Koruthode road. On account of the aforesaid acts of the accused PW1 sustained injuries as revealed by Ext.P2 wound certificate

proved by PW5(Doctor).

3. Both the trial court as well as the lower appellate court accepted the evidence adduced in support of the case of the prosecution. Eventhough the learned counsel for the revision petitioner assailed the conviction on the ground that the oral evidence of the eye witnesses suffers from contradictions and omissions, they are all within the range of permissible limits and both the courts below which have appreciated the evidence had no difficulty in accepting the prosecution case in this behalf. The conviction recorded after a careful evaluation of the oral and documentary evidence cannot be interfered with by this court sitting in the rarefied revisional jurisdiction. The sentence imposed on the revision petitioner is also one of fine only. Therefore, there appear no good ground to interfere with the sentence as well.

In the result, this revision is dismissed in limine.

(V. RAMKUMAR, JUDGE)

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